

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

"BABY L.", a minor, by and
through her legal guardians and
next friends, DOE 1 and DOE 2,
et al.,

Plaintiffs,

vs.

CIVIL NO.: 3:20-CV-00009
February 26, 2020
Lynchburg, Virginia
SEALED TRO HEARING
(Conference Call)

DR. MARK ESPER, in his official
capacity as Secretary for the
United States Department of
Defense, et al.,

Before:
HONORABLE NORMAN K. MOON
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF VIRGINIA

Defendants.

APPEARANCES:

For the Plaintiffs:

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY; TRANSCRIPT
PRODUCED BY COMPUTER.

1 [REDACTED] control. They have had multiple power sharing
2 agreements with the [REDACTED] and their leadership. You know,
3 it's an open question as to the full -- the rights of
4 statehood over these areas.

5 But what we do know is that the strength of US
6 intelligence was strong enough that [REDACTED]

7 [REDACTED]
8 [REDACTED]. [REDACTED]. We knew at that
9 time that they were foreign fighters. This would be no
10 different than if we covered an American child that's from
11 American foreign fighters or a British child from them. There
12 would be no claim that [REDACTED] has sovereignty over
13 foreign fighters.

14 THE COURT: Isn't this an individual citizen of the
15 United States? Wouldn't it be an international situation?

16 MR. MAST: Your Honor, it didn't have to be an
17 international situation except that for the bad acts of State
18 Department, [REDACTED], and [REDACTED]. We have word from one of
19 the attendees of that phone conference that there was never an
20 analysis. There was laughing at the best interest of the
21 child in this consideration. And General [REDACTED] said I trust
22 the uncle, and that was one of the -- flippantly dismissed it.
23 The second claim was that the uncle -- well, the first two
24 claims is an uncle had --

25 THE COURT: How do you perceive -- I mean, what --

1 what are you asking for, ultimately? Your client is not
2 asking to adopt the child.

3 MR. MAST: No, sir. He wants to get her medical
4 treatment in the United States because we dispute that this is
5 a family member. We believe that this is [REDACTED]. If it
6 were family, [REDACTED] knows how to immediately go and get their
7 children back from US custody. It happens all the time. We
8 have a doctor who is the [REDACTED] in
9 [REDACTED], [REDACTED], who can testify to this. They
10 routinely run children through there that fall temporarily
11 into US custody. What they will do is use children as human
12 shields. They get injured, they get picked up, they get
13 patched up, and then [REDACTED] knows how to immediately seek
14 custody of them.

15 She's been here 160 days, and that's because -- the
16 only reasonable explanation these foreign [REDACTED] fighters
17 could know that with the [REDACTED] going on right now, they
18 are being officially -- their insistence is being officially
19 denied. There are no [REDACTED] in [REDACTED]. And so the
20 only hope they have is confidentiality through ICRC
21 approaching government -- approaching US through ICRC, which
22 they have, if that's true. And then ICRC coaching the [REDACTED]
23 [REDACTED] also in how to make the
24 request for her to be returned back. And that's, you know,
25 where -- where that's the case, the indications are strong

1 under [REDACTED]. We just want them -- the US to vet them for
2 [REDACTED] ties and to ensure DNA connection. And by making
3 those two simple requests, [REDACTED] will self select
4 themselves out and you will not hear from this supposed family
5 ever again.

6 And so in the meantime she can receive -- she had a
7 [REDACTED]. Her head is [REDACTED]. She has that
8 [REDACTED] on her leg. [REDACTED] is right here ready to treat
9 her. And then any claims for actual relatives that are not
10 [REDACTED] can be addressed here in the United States. They
11 just want to act in her best interest. They created a legal
12 path to do that. It was acquiesced to by DoD. And State said
13 they wouldn't interfere, and they have interfered a lot. And
14 they put her Visa on hold. They told DoD withdraw that agency
15 initiated Visa request. DoD initiated a parole Visa to get
16 her treatment and State -- and [REDACTED] and the others call over
17 and said put it on hold. She could have been here now already
18 if they had just consented to her getting medical treatment.
19 It is absolutely outrageous that the United States government
20 would knowingly close its eyes and say that non-existent
21 screening protocols for under these circumstances ICRC --
22 which has to be in confidentiality. We understand that. They
23 have to be agent for all players, but that is not proof that
24 these are not [REDACTED].

25 Strong evidence is that these are [REDACTED]. And if